

to comply with the provisions of the Federal Revenue Act of 1942, etc."

Have had the same under consideration and beg to report back to the Senate that it do pass and be not printed.

LANNING, Chairman.

### Senate Bill 2 on Second Reading

Senator Lanning' moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 2 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Formby

Spears

The President pro tempore laid the bill before the Senate, and it was read second time.

Senator Moore offered the following amendment to the bill:

Amend the bill by adding at the end of Section 1 the following:

"The provisions of this Act shall be in force and effect only so long as the United States of America is at war with Germany, Japan or Italy."

The amendment was adopted.

The bill was passed to engrossment.

### Senate Bill 2 on Third Reading

The President pro tempore then laid Senate Bill No. 2 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Formby

Spears

### Governor Notified

The committee to notify the Governor that the Senate has completed its organization and is ready for the transaction of business appeared at the bar of the Senate; and Senator Weinert, for the committee, announced that the duty assigned it had been performed.

### Statement by Senator Cotten

Senator Cotten obtained recognition and thanked the Senators for the honor of his election as Dean of the Senate.

### Adjournment

On motion of Senator Weinert, the Senate, at 1:20 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

## SECOND DAY

(Wednesday, January 13, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called, and the following Senators were present:

Aikin	Fain
Beck	Graves
Brownlee	Hazlewood
Bullock	Jones
Chadick	Kelley
Cotten	Lane

Lanning	Ramsey
Lemens	Shivers
Lovelady	Stone
Martin	Sulak
Mauritz	Vick
Metcalfe	Weinert
Moffett	Winfield
Moore	York
Morris	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senators Kelley, Moffett, Winfield, Lanning, Hazlewood, Brownlee, and Mauritz:

S. B. No. 3, A bill to be entitled "An Act to apportion the State into Senatorial Districts; naming the counties composing each district; designating the counties to which election returns shall be sent in each district; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

To Committee on Senatorial Districts.

By Senator Stone:

S. B. No. 4, A bill to be entitled "An Act to amend Article 4706, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

To Committee on Insurance.

By Senators Moffett and Mauritz:

S. B. No. 5, A bill to be entitled "An Act to regulate the sale of agricultural insecticides and fungicides, prohibiting their adulteration, misbranding, or misrepresentation, providing for the collection and analysis of samples, the expenses of the enforcement of the law, fixing penalties for its violation; and declaring an emergency."

To Committee on Agriculture.

By Senator Graves:

S. B. No. 6, A bill to be entitled "An Act to amend Article 4769, Re-

vised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

To Committee on Insurance.

By Senator Graves:

S. B. No. 7, A bill to be entitled "An Act to amend Article 4766, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

To Committee on Insurance.

By Senator Graves:

S. B. No. 8, A bill to be entitled "An Act to amend Article 4740, Revised Civil Statutes of 1925; and declaring an emergency."

To Committee on Insurance.

By Senator Graves:

S. B. No. 9, A bill to be entitled "An Act to amend Article 4725, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

To Committee on Insurance.

By Senator Ramsey:

S. B. No. 10, A bill to be entitled "An Act amending Vernon's Annotated Texas Statutes, Article 6675a, Section 5, relating to the registration of motorcycles and passenger cars; providing for the annual license fees for passenger cars of certain value, and the method of determining such value; and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Moffett:

S. B. No. 11, A bill to be entitled "An Act authorizing appeals in certain cases direct from trial courts to the Supreme Court; authorizing the Supreme Court to prescribe rules of procedure for such appeals; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Kelley:

S. B. No. 12, A bill to be entitled "An Act making the theft of pneumatic tires a felony, providing penalty therefor, exempting the provisions of this Act from the limitations set out in Article 776, 777, 778, 779, 780, and 781, Code of Criminal Procedure and Chapter 43, Paragraph

4, Acts 1931, Forty-second Legislature; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Lemens:

S. B. No. 13, A bill to be entitled "An Act to amend Article 2529, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

To Committee on Banking.

By Senator Lemens:

S. B. No. 14, A bill to be entitled "An Act to amend Article 4180, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

To Committee on Banking.

By Senator Lemens:

S. B. No. 15, A bill to be entitled "An Act to amend Article 2560, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

To Committee on Banking.

By Senator Lemens:

S. B. No. 16, A bill to be entitled "An Act to amend Article 2547, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

To Committee on Banking.

By Senator Lemens:

S. B. No. 17, A bill to be entitled "An Act to amend Article 926, Revised Civil Statutes of 1925, as thereafter amended; and declaring an emergency."

To Committee on Banking.

By Senator Metcalfe:

S. B. No. 18, A bill to be entitled "An Act amending Section 1, S. B. 192, Chapter 180, page 449, General Laws of the Thirty-ninth Legislature, Regular Session, 1925, to provide that any person who for four years or more has been the holder of a state first grade certificate or its equivalent and who can furnish evidence of successful experience in teaching in the public schools for six or more sessions subsequent to September 1, 1910, shall be entitled to receive a state permanent first grade certificate; and declaring an emergency."

To Committee on Education.

By Senator Moore:

S. B. No. 19, A bill to be entitled "An Act amending House Bill 45, Acts of the Regular Session of the Forty-seventh Legislature, by adding thereto a new section providing that members of the Texas Defense Guard shall not be liable for damages in certain instances; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Moore:

S. B. No. 20, A bill to be entitled "An Act repealing House Bill 153, Acts of the Regular Session of the Forty-seventh Legislature; and declaring an emergency."

To Committee on Game and Fish.

By Senator Vick:

S. B. No. 21, A bill to be entitled "An Act to provide that corporations organized without capital stock shall have the right to have their charters extended; naming the conditions under which such extensions will be granted by the Secretary of State; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

To Committee on Insurance.

By Senator Fain:

S. B. No. 22, A bill to be entitled "An Act authorizing the Board of Regents of the Sam Houston State Teachers College of Texas to acquire, and maintain and operate an airport for said institution; conferring the right of eminent domain; enacting other provisions in reference to the subject; and declaring an emergency."

To Committee on Education.

By Senator Ramsey:

S. B. No. 23, A bill to be entitled "An Act amending Paragraph numbered 1, of Article 199, Title 8, Revised Civil Statutes of Texas, providing for a continuous term of Court in the counties in the First Judicial District of Texas; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Lovelady:

S. B. No. 24, A bill to be entitled "An Act amending Article 6204, Article 6221, and Article 6227 of the Revised Civil Statutes of 1925, as

same have been heretofore amended, providing for the assessment and collection of a tax to pay, and the payment of pensions to veterans and their widows, and for the payment of a mortuary warrant."

To Committee on State Affairs.

#### Senate Joint Resolution on First Reading

The following joint resolution was introduced, read first time and referred to Committee on Constitutional Amendments:

By Senator Morris:

S. J. R. No. 1, Proposing the repeal of Section 9 of Article V and the amendment of Section 20 of Article V of the Constitution of Texas so as to abolish the office of District Clerk and transfer the functions of the District Clerk to the County Clerk.

#### Senate Resolution 3

(Designating Mascot of Senate)

Senator Mauritz offered the following resolution:

Whereas, We will be favored during this Forty-eighth Session of the Texas Senate, by the presence of a charming and adorable little lady who radiates happiness and sunshine; and

Whereas, This young lady is showing every evidence of having inherited all the lovely attributes of her mother and is also displaying a precocity that betokens her mental development to the high level of her father, who is a distinguished member of this Senate; and

Whereas, Vicki Lois Lovelady, daughter of Senator and Mrs. Karl L. Lovelady, will symbolize peace, happiness, and good will; therefore, be it

Resolved, That as an evidence of our admiration and love, we herewith designate her, Vicki Lois Lovelady, as Mascot of the Texas Senate during the Forty-eighth Session of the Texas Legislature; and, be it further

Resolved, That her picture be placed on the picture panel as "Mascot of the Texas Senate" with the members of this Session, and that a copy of this resolution be sent to her.

MAURITZ,  
CHADICK,  
METCALFE,  
LANNING,  
VICK,  
YORK.

The resolution was read, and, by unanimous consent, it was considered immediately and was adopted.

#### Senate Resolution 4

(Investigating Committee)

Senator Brownlee offers the following resolution:

Whereas, The attention of the Senate has been called to a number of grievous and allegedly illegal practices now and heretofore engaged in by public officials in various sections of this State; and

Whereas, The financial condition of this State is dependent upon the honest enforcement of its revenue laws and the collection of taxes, licenses, fees, and other revenues; and

Whereas, There have been reported many evasions of these revenue laws, and many violations of other laws of this State, and many of such violations and evasions are alleged to have been committed with the knowledge and connivance of some officers in this State; and

Whereas, Past experience has proven that a saving of millions of dollars may be made to the taxpayers of Texas by the existence at all times of a standing General Investigation Committee; and

Whereas, The Forty-eighth Legislature will be in session only a few months and there should be some restraining agency and investigating committee existing during the interim between adjourning of this Legislature and the convening of the Forty-ninth Legislature, and it is the purpose of this resolution to authorize the appointment of such committee and to empower said committee to investigate any and all law violations in this State which pertain to, or in any way affect the general welfare, as well as the administration of State laws and departmental activities; now, therefore, be it

Resolved by the Senate of the State of Texas:

Section 1. That the Lieutenant-Governor be, and he is hereby authorized to appoint a committee of five members of the Senate to sit at such times and places between this date and the date of the convening of the Regular Session of the Forty-ninth Legislature, as may to said committee seem necessary and proper;

and the committee shall continue the inquiries heretofore begun by the committee authorized and appointed at the Regular Session of the Forty-seventh Legislature relative to law violations and the administration of all State laws and any of the matters pertaining to or affecting the revenues of the State government, and the expenditures of taxes, fees, and assessments, and to inquire into any other affairs and activities of governmental departments and institutions of whatever kind and character, as such activities in any way affect the financial or other welfare of the government and the citizens of Texas. Said committee shall make a study of any other governmental activity, and shall have authority to investigate and inquire into any such matters.

Sec. 2. That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting, recessing, and adjournment. Provided, however, that the rules of evidence to be followed shall be practically the same as followed in the courts of this State, and the committee is authorized to hold executive sessions, within its discretion, and then the committee may be governed by the rules of evidence applicable to any grand jury inquiry in this State.

Sec. 3. That the majority of the membership of the committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have the power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this State; and said committee shall have authority to cite for contempt any one disobeying said process and to punish for such contempt in the same manner as provided for by general law. Said committee shall have power to inspect and make copies of any books, records, or files of the departments and institutions and any and all other instruments and documents pertinent to the matter under investigation by said committee, including any county or political subdivision of this State, and shall also have power to examine and audit the books of any person, firm, or corporation having dealings with

departments and institutions under investigation by said committee. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all the powers necessary in order to accomplish the purposes for which it is appointed. Three members of such committee shall constitute a quorum for the transaction of official business.

Sec. 4. The witnesses attending under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this State.

Sec. 5. Said committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks, stenographers, and any other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigations.

Sec. 6. That said committee may call upon the Attorney General's Department, Auditing Department, and all other departments for assistance and advice, and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee on request of chairman or members of said committee.

Sec. 7. That said committee shall submit a report in writing to the Forty-ninth Legislature, and make such recommendations as it may choose to make. The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and per diem and contingent fund of the Forty-eighth Legislature and out of any fund otherwise appropriated by said session of said Legislature for such purpose, upon sworn account of persons entitled to such pay, when approved by the chairman of said committee; and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said Forty-eighth Legislature to meet the payment of such per diem and expenses of the members of said committee, witnesses, fees, and other expenses incident to said investigation.

Sec. 8. Said committee may include in its report its recommendation of any legislation that should be

enacted or other action that should be taken.

The resolution was read, and, by unanimous consent, it was considered immediately and was adopted.

#### Senate Notified

A committee of eight Members of the House appeared at the bar of the Senate, and Mr. Sallas, for the committee, notified the Senate that the House was organized and ready for the transaction of business.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
January 12, 1943.

Hon. Vernon Lemens, President pro tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 1, Fixing the mileage and per diem of members of the Forty-eighth Legislature.

H. C. R. No. 2, Providing for a Joint Session to hear the Governor's message.

H. C. R. No. 3, Adopting joint rules of the House and Senate, of the Forty-seventh Legislature as the temporary joint rules of the Forty-eighth Legislature.

H. C. R. No. 4, Providing for parking space for members of the Legislature.

H. C. R. No. 5, Providing for a Joint Legislative Inaugural Committee to make arrangements for the inauguration of the Governor and Lieutenant Governor.

H. C. R. No. 6, Providing for a Joint Session of the House and Senate for the purpose of certifying the election of Governor and Lieutenant Governor.

H. B. No. 2, A bill to be entitled "An Act amending Article 668, Revised Civil Statutes, so as to authorize the use of offices and apartments on the second floor of the Capitol Building, for bedroom, cooking and other private purposes by the Lieutenant Governor and the Speaker of the House; and declaring an emergency."

H. B. No. 3, A bill to be entitled "An Act requiring all officers

and employees of the State, its agencies, instrumentalities, political subdivisions and municipalities, having control over the payment of any salaries or wages to public officers or employees, to comply with the Federal Revenue Act of 1942, requiring the withholding of the five (5) per cent Federal Victory Income Tax from wages paid officers and employees; and declaring an emergency."

S. C. R. No. 1, by Brownlee, relative to the appointment of a committee to count votes.

S. B. No. 1, A bill to be entitled "An Act making an appropriation of \$350,000.00 to pay mileage and per diem of members and per diem of officers and employees of the Forty-eighth Legislature; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### House Concurrent Resolution 1

The following concurrent resolution, received from the House today, was read and was referred by the President pro tempore to the committee indicated:

H. C. R. No. 1, to temporary Committee on Finance.

#### House Bill 2 on First Reading

The following House bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 2, to temporary Committee on Finance.

#### House Concurrent Resolution 6

(Joint Session to Count Votes for Governor and Lieutenant Governor)

The President pro tempore laid before the Senate, and directed the Secretary to read:

H. C. R. No. 6, Providing for a joint session of the Legislature on Thursday, January 14, 1943, to count the votes cast at the general election on November 3, 1942, for Governor and Lieutenant Governor, and to certify their election.

The resolution was read, and, by unanimous consent, it was considered immediately.

Senator Martin offered the following amendment to the resolution:

Amend H. C. R. No. 6 by striking out "3 p. m." and inserting in lieu thereof "11 a. m."

The amendment was adopted.

The resolution as amended was then adopted.

#### House Concurrent Resolution 2

The President pro tempore laid before the Senate and directed the Secretary to read:

H. C. R. No. 2, Providing for a joint session of the Legislature at 10:30 o'clock a. m. today, to hear the biennial message of the Governor.

The resolution was read, and, by unanimous consent, it was considered immediately.

Senator Ramsey offered the following amendment to the resolution:

Amend H. C. R. No. 2 to read Wednesday, January 13, 1943, at 11 o'clock, instead of 10:30.

The amendment was adopted.

Senator Metcalfe offered the following amendment to the resolution:

Amend the resolution to provide for a joint committee to escort the Governor to the joint session.

The amendment was adopted.

The resolution as amended was adopted.

In accordance with the provisions of the resolution, the President pro tempore appointed the following committee on the part of the Senate to escort the Governor to the joint session: Senators Moore, Aikin, Fain, Jones and Lane.

#### Senate Concurrent Resolution 2

Senator Chadick offered the following resolution:

S. C. R. No. 2, Providing for a joint committee of the two Houses to draft a bill to revise the State Election Laws.

Whereas, The present Texas primary election laws have proved inadequate to safeguard the franchise of a democracy and have failed in some respects the purposes for which they were enacted; and

Whereas, A general evasion and abuse of the present laws has grown in the past years; and

Whereas, Such election laws are not completely enforceable; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That a committee composed of three (3) members of each House, appointed by the respective presiding officers, be authorized and directed to study our present election laws, both primary and general, hold hearings thereon, subpoena witnesses when necessary, and do all things necessary to carry out the intention of this resolution and report back to each House within forty-five (45) days of the passage of this resolution, its recommendation for remedial legislation along with such bills as it may agree upon for introduction in each of the Houses to effectuate such remedies as it finds to be necessary, and such other information and recommendations as it may see fit to make.

To carry out this authorization, there is hereby appropriated Two Thousand (\$2,000.00) Dollars from the Contingent Expense Fund to defray the actual expense of this committee and to be paid only upon duly verified expense statements approved by the Chairman of the committee.

CHADICK,  
VICK.

The resolution was read and was referred to the Committee on Privileges and Elections.

#### Consideration of House Bill 2 in Committee and by Senate

Senator Lanning moved that Section 5 of Article 3 of the Constitution be suspended, to permit the immediate consideration of H. B. No. 2 in the temporary Committee on Finance and its undelayed consideration by the Senate.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hazlewood
Beck	Jones
Brownlee	Kelley
Bullock	Lane
Chadick	Lanning
Cotten	Lemens
Fain	Lovelady
Graves	Martin

Mauritz	Stone
Metcalfe	Sulak
Moffett	Vick
Moore	Weinert
Morris	Winfield
Ramsey	York
Shivers	

Absent—Excused

Formby

Spears

**Report of Committee on House Bill 2**

Senator Lanning submitted the following report:

Austin, Texas,  
January 13, 1943.

Hon. Vernon Lemens, President pro tempore of the Senate.

Sir: We, your temporary Committee on Finance, to whom was referred

H. B. No. 2, A bill to be entitled "An Act amending Article 668, Revised Civil Statutes of the State of Texas, 1925, so as to authorize the use of offices and apartments on the second floor of the Capitol building for bedroom, cooking and other private purposes by the Lieutenant Governor and the Speaker of the House of Representatives; and declaring an emergency."

Have had the same under consideration and recommend that same be not printed but that it do pass.

LANNING, Chairman.

**House Bill 2 on Second Reading**

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 2 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lanning
Beck	Lemens
Brownlee	Lovelady
Bullock	Martin
Chadick	Mauritz
Cotten	Metcalfe
Fain	Moffett
Graves	Moore
Hazlewood	Morris
Jones	Ramsey
Kelley	Shivers
Lane	Stone

Sulak	Winfield
Vick	York
Weinert	

Absent—Excused

Formby

Spears

The President pro tempore laid the bill before the Senate, it was read second time and passed to third reading.

**House Bill 2 on Third Reading**

The President pro tempore then laid H. B. No. 2 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Formby

Spears

**Joint Session**

(To Hear Message of Governor)

The President pro tempore announced that the hour fixed by concurrent action of the two Houses to meet in joint session to hear the biennial message of the Governor had arrived.

Accordingly, the President pro tempore of the Senate and Senators present proceeded to the Hall of the House of Representatives at 11:00 o'clock a. m.

The Senators were announced and were admitted and escorted to seats already prepared for them along the aisle.

The President pro tempore of the Senate, by invitation of the Speaker, occupied a seat on the Speaker's rostrum.



The President called the Senate to order and announced a quorum of the Senate present.

Hon. Price Daniel, Speaker of the House, called the House to order, announced the purpose of the joint session, and requested the members of the House to register.

A quorum of the House was announced present.

Governor Coke R. Stevenson was announced by the Doorkeeper of the House and was escorted to the Speaker's stand by Senators Moore, Aikin, Fain, Jones and Lane, on the part of the Senate, and Representatives Isaacks, Stubbs, Morse, Helpinstill, and Benton, on the part of the House.

The President pro tempore presented the Honorable Coke Stevenson, Governor of Texas, to the joint session.

The Governor then delivered to the joint session the following address and message:

Austin, Texas,  
January 13, 1943.

To the Members of the Forty-eighth Legislature:

For fourteen years I have heard the cloak-room comment on messages delivered by my predecessors to the Legislature. You may imagine then with what anxiety I appear before you on this occasion. The great majority of you have given me repeated evidence of personal friendship. This feeling is entirely reciprocated on my part, and I greet you today with that personal appreciation which years of association together have caused me to entertain for you. Yet among the best of friends there is a reluctance to accept advice from one whose knowledge is not superior to our own. Your knowledge of the problems of State in these unusual times is undoubtedly equal to mine. Your concern for the public welfare and your fidelity to the trust reposed in you by the people of your respective districts will prove a better guide to your deliberations than any advice which I can give you.

The same Constitution, however, which requires your presence here today imposes upon me the obligation to do certain things. Considering the requirements of the Constitutional provisions in order, my first attempt should be to give you such informa-

tion as I possess with reference to the condition of the State. Since this provision was inserted in the Constitution, other sources of information have been provided by means of which the people as well as the Legislature are kept almost constantly informed of the condition of the State. The State Treasurer makes monthly reports. The books of the Comptroller reflect the income and outgo of the State's finances and the newspapers publish the information. The State Auditor checks these and other departments and presents his conclusions to the people frequently.

We now have a budget law in Texas. This law is imperfect in some respects and it is not improper for me to criticize it because it resulted from a bill which I introduced while a member of the House of Representatives. Under its terms, however, the Board of Control spends several months in hearing the claims of each and every department and institution of our State government and then makes its recommendations. The requests from our State agencies together with the expenditures made by them during the previous biennium and the recommendation of the Board of Control for the ensuing biennium all appear in the tentative budget which has been prepared, printed and distributed to you. It has been my privilege to work with the Board of Control in preparation of this budget and it represents the best suggestions which we are able to make at this time. Undoubtedly, you will be able to make improvements on these suggestions as you consider the various needs of the State's agencies, the necessity for an economical administration of the State's affairs, and the conditions which have arisen since the hearings were held upon which the budget is based.

The Constitution also provides that the Governor shall recommend to the Legislature such measures as he may deem expedient. This requirement is not free from difficulty at this time. The Nation of which we are a part is now engaged in the most tremendous military activities in its history. All of us are firmly convinced that the result of these activities will be complete victory for our Nation and for those Nations associated with us. None of us, however, can now determine what the cost of that victory will be, either in our natural resources

or in our human resources. It is unlikely that any of us can foresee what the post-war conditions will be, either in the Nation or in our own State.

Under such circumstances, it is extremely difficult to recommend any extended program of legislation. That which appears advisable today might well prove unnecessary or impractical under post-war conditions. I am not unmindful of the desirability of giving serious thought to the situation which will follow the war. It is hardly conceivable, however, that any complete solution can be found now for the problems which may confront us then. Perhaps our efforts can be best employed now in wholeheartedly supporting the war effort in order to attain total victory and in keeping our house in order pending that necessary result. We can certainly make it possible to deal with after-war problems more intelligently if we can keep our Democratic processes working with integrity and efficiency. A few suggestions might be made which will improve the opportunity for these processes to assert themselves.

Included in these is the right of the people to fully and freely express their convictions on all matters affecting their own government. This right is partially preserved by free speech and a free press. In order to fully maintain it, the secrecy, purity, and sanctity of the ballot box must be achieved and preserved. Several improvements could be made in our election laws. One of these is in connection with the use of the radio. Some persons construe our laws as not requiring a report of the cost of radio time used in political campaigns. Our laws should be amended to clearly require radio time to be included in a report of any expenditures by or on behalf of a candidate.

Intimately related to the integrity of Democratic processes is the subject of proper representation in the Legislature. The Constitution requires the Legislature to redistrict the State following each decennial census. This provision should be observed by this Legislature. It is necessary that the State be correctly apportioned in order that each section may have its equal voice in legislation.

It is my candid opinion that the Legislature should give attention to the judicial districts in the State. There is no subject more vital to

our American way of life than the preservation of complete confidence in the judiciary. It is the arm of government which dispenses justice and the establishment of justice is one of the objectives of government. We should have sufficient courts to enforce the law and to give every citizen his day in court. Any number of courts in excess of these requirements, however, constitutes an unwarranted expense to the taxpayers. An idle court also lessens public confidence in the judicial system.

The liquor traffic is a business in which the public is vitally interested. The Constitutional amendment which permitted the return of the liquor traffic to Texas placed the regulation of its affairs in the hands of the Legislature. The problems connected with the liquor traffic are of great antiquity. They ante-date all modern history. Each generation seems to be presented with the necessity for finding some kind of solution for these problems upon which the majority of citizens can agree. It appears to me that stricter regulations are now desirable. It ought to be our constant aim to promote temperance and to lessen the evils to society which flow from the intemperate use of intoxicating liquor. One method of achieving that result will be found in restricting the hours in which sales may be made on week days and by providing that no liquor, beer or wine shall be sold at any time of the day on Sunday. When the hours for prohibited sales have been determined by you, there should be incorporated in the law a provision against public consumption of alcoholic beverages in licensed establishments during the prohibited hours. The enforcement features of our liquor laws should be strengthened as an aid to our peace officers in the prevention and suppression of bootlegging. The system of licensing control should be improved so that any place where the license has been forfeited for becoming a public nuisance will be ineligible for a new license for a definite period of time, no matter in whose name the license is sought.

Improvements can be made in the fiscal operations of our State government. I still believe the State Auditor should be appointed by the Legislature under some plan similar to the legislative audit committee provision which was contained in the bill

introduced by Senator Moore during the last regular session. The Legislature appropriates the money which enables the agencies of government to function. The State Auditor should be directly responsible to the Legislature in order that the legislative intent may be most efficiently carried out. Every board, bureau, department, institution, or commission which receives appropriations or grants of public moneys should be subject to an audit by such State Auditor.

Improvements are also desirable in the laws directing the preparation of the budget. Several among you have given intelligent consideration to this subject and I am confident that your collective wisdom will suggest the most practical means of accomplishing this result.

A number of other matters might be mentioned such as effective laws prohibiting the adulteration or misbranding of insecticides and fungicides, prohibiting the sale of injurious products, commonly known as anti-freeze solutions, for use in water-cooled engines, regulating aeronautics, and a proper law authorizing the Comptroller to deduct the five per cent victory tax from salary payments made by the State, as required by the Federal Revenue Act, for the duration of the war.

Some of these and other subjects will be submitted as emergency matters under the authority of Section 5, Article III, to be considered by you.

I am intensely interested in establishing the framework for a farm-to-market road system but prevailing conditions, more particularly reduced revenues, present difficulties which we can hardly overcome at the present.

The Board of County and District Road Indebtedness has carefully calculated its probable income for the next several years. It has bulwarked its operations by execution of contracts to refund several millions of dollars of maturing obligations when and if such a procedure is necessary. It is deemed probable that with the balance on hand, the cushion of \$3,000,000 so wisely provided by the Legislature, and the anticipated income, coupled with the refunding operations, heretofore mentioned, the Board will be able to weather the storm without calling on counties to

provide additional revenue to meet state aid obligations.

It is my recommendation that the existing road bond servicing law be re-enacted in its present form to protect the credit of the State and its counties.

Another provision of the Constitution requires the Governor to account to the Legislature for all public monies received and paid out by him from any funds subject to his order, with vouchers, and that a statement of same accompany his message. The Governor does not now receive any public monies and there are no funds subject to his order except such appropriations as the Legislature makes to the Executive Department. The amount expended by reason of such appropriations appears in the printed budget previously referred to.

The final requirement in Section 9 of Article IV is that the Governor at the commencement of each regular session shall present estimates of the amount of money required to be raised by taxation for all purposes. Even a reasonable compliance with this provision would require considerable advance knowledge of the intention of the Legislature in making appropriations. The prevailing conditions warrant the strictest economy in government expenditures. The prosecution of the war requires an immense amount of money. The Federal government has been compelled to increase the tax levies to unheard of proportions. The citizens of Texas will be required to pay their proportionate part of all Federal taxes.

A strict policy of economy should be followed, and no new taxes will then be necessary.

It will be necessary to maintain tax levies already in existence. It is well known that even though these levies are maintained, there will be a considerable decrease in revenues.

There will probably be a considerable decrease in receipts from the gasoline tax, one of the State's most important revenues. All of you are acquainted with the fact that this tax is divided three ways: One-fourth to the Available School Fund, one-fourth to the County and Road District Indebtedness Fund, and one-half to the State Highway Fund. No one with any reasonable certainty can calculate even approximately the income from the gasoline tax in the next one, two or three years.

The Automatic Tax Board unanimously raised the ad valorem tax from sixteen to thirty-three cents which amount we considered would offset the loss in revenue from the gasoline tax insofar as the school fund is concerned.

The Highway Department now is engaged in the preparations of post-war plans and will be able to put the program in operation at the proper time.

Prices for highway construction have been high, and the questions of economy and competition with war construction had to be carefully considered. The Highway Commission has followed a policy of undertaking only that construction directly beneficial to the war effort or necessary to sustain the domestic economy.

There is because of this prudent course a temporary balance in the Highway Fund sufficient to cover contract obligations now outstanding. The Department has commitments however to a majority of the counties aggregating many millions of dollars and funds must be reserved to meet these commitments and to provide for other needs that will arise.

I believe that the Highway Department should conserve highway funds to the limit in order that such funds will be available when economical construction can be done and when the need for employment in our State arises.

An analysis of the expenditures of the State for the last fiscal year discloses a total of \$205,000,000. Of this amount, \$63,000,000 was spent on public education; \$63,000,000 on highways and road maintenance, and \$51,000,000 on pensions of various kinds. These figures include the contributions made by the Federal government. \$8,000,000 was spent for eleemosynary and correctional institutions, and \$3,650,000 paid on relief bonds and other bonds.

The net cost of operating the State government, exclusive of education, roads, pensions and eleemosynary institutions, was \$15,000,000, and this included non-recurring items, such as the purchase of the Big Bend Park. We now have a deficit of approximately \$31,000,000 in the General Fund. This increased one-half million dollars last year, whereas it had been increasing theretofore at the rate of several million dollars a year. I think this deficit can be wiped out in a few

years. Holding appropriations at a minimum consistent with the proper and economical functioning of the agencies of government, and continuing a vigorous program for the collection of taxes, including delinquent taxes and disputed taxes, will enable us to make a substantial decrease in the deficit in the General Fund notwithstanding the difficulties imposed by the strain and stress of war-time conditions.

Circumstances will probably require further communications from me during the present session.

It is my earnest hope that your labors may be pleasant to you and profitable to the State. There has never been a time when the Legislative branch of government was more necessary to the people than during the present social, economic and military crisis. It is my earnest hope that Texas will be the bright spot in the Nation when peace returns and the thousands of men in our armed forces turn their attention to peaceful pursuits. If we can have a land where the opportunity is afforded to every man to have a home, a happy family, and steady employment, it will be very gratifying to all of us who now labor together to preserve the pattern of government which affords such opportunities. This means that government will be fair in its treatment of capital and labor, of natural resources and human resources, that our State government will continue to encourage the development of agriculture, commerce and industry, without attempting to dictate the details of their operation, that it will continue to foster the improvement of every educational, cultural, and spiritual advantage but without any attempt to prescribe the tenets. Faith in the soundness of our position, the rectitude of our purposes and the laudability of our objectives fortify us in the belief that we will be successful in our undertaking.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

(Message of Governor)

Austin, Texas,  
January 13, 1943.

To the Members of the Forty-eighth Legislature:

I submit for your consideration as emergency matters under the author-

ity of Section 5, Article III of the Constitution the following subjects of legislation:

- (1) Fixing the policy of the State in respect to the authority of the Comptroller to withhold the five per cent victory tax from salary payments made by the State as required by the Federal Revenue Act.
- (2) An emergency appropriation for the Adjutant General's Department.
- (3) Enlarging the use which may be made of the State Confederate Home at Austin, prescribing the authority of the State Board of Control in relation thereto, and making an emergency appropriation for the improvement and maintenance thereof.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

At the conclusion of the address by the Governor and his reading of the message, President pro tempore Lemens spoke as follows:

"I trust I may not be considered unorthodox if at this time I say, Governor Stevenson, that the message you have just delivered is direct, thorough, timely, comprehensive—yes, and fair. Knowing the intimate warmth of the friendship which this Legislature feels toward you, I can assure you of full cooperation in the tasks that lie ahead in the service of our State.

"The business for which this joint session was assembled now having been completed, the Senate will retire to its Chamber."

The Senate retired to its Chamber at 11:30 o'clock a. m.

#### In the Senate

The President pro tempore called the Senate to order at 11:35 o'clock a. m.

#### Senate Resolution 5

(Extending Privileges of Floor)

Senator Kelley offered the following resolution:

Whereas, Captain Joseph J. DeRaad, Captain Walter R. Ostrom, and Lieutenant James H. Hickerson, dis-

tinguished officers in the United States Army Air Corps, are in the Capitol Building; and

Whereas, Lieutenant James H. Hickerson is a former citizen and distinguished attorney of Dallas, Texas; now, therefore, be it

Resolved by the Senate, That they be granted the privileges of the floor for today.

By unanimous consent, the resolution was considered immediately and was adopted.

#### House Concurrent Resolutions Referred

The following concurrent resolutions, received from the House today, were laid before the Senate, read severally, and referred to the committees indicated:

H. C. R. No. 3, to Committee on Rules.

H. C. R. No. 4, to Committee on Highways and Motor Traffic.

#### House Concurrent Resolution 5

The President pro tempore laid before the Senate and directed the Secretary to read:

H. C. R. No. 5, Providing for a joint committee to arrange for the inauguration of the Governor and Lieutenant Governor.

The resolution was read, and, by unanimous consent, it was considered immediately, and was adopted.

#### House Bill 3 on First Reading

The following House bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated.

H. B. No. 3, to the Committee on State Affairs.

#### Senate Resolution 6

(Revision of Election Laws)

Senator Chadick offered the following resolution:

Whereas, The present Texas primary election laws have proved inadequate to safeguard the franchise of a democracy and have failed in some respects the purposes for which they were enacted; and

Whereas, General evasion and abuse of the present laws have grown in the past years; and

Whereas, Such election laws are not completely enforceable; now, therefore, be it

Resolved by the Senate of Texas, That a committee composed of five (5) members of the Senate, appointed by the presiding officer, be authorized and directed to study our present election laws, both primary and general, hold hearings thereon, subpoena witnesses when necessary, and do all things necessary to carry out the intention of this resolution and report back to the Senate within forty-five (45) days of the passage of this resolution, its recommendation for remedial legislation along with such bills as it may agree upon for introduction in the Senate to effectuate such remedies as it finds to be necessary, and such other information and recommendations as it may see fit to make.

To carry out this authorization, there is hereby appropriated Two Thousand (\$2,000.00) Dollars from the Contingent Expense Fund to defray the actual expense of this committee and to be paid only upon duly verified expense statements approved by the Chairman of the committee.

The resolution was read, and, by unanimous consent, it was considered at this time.

Senator Lovelady offered the following amendment to the resolution:

Amend the resolution by striking out the last paragraph thereof.

The amendment was adopted.

The resolution, as amended, then was adopted by the following vote:

**Yeas—23**

Aikin	Lemens
Beck	Lovelady
Brownlee	Martin
Bullock	Mauritz
Chadick	Metcalf
Fain	Moffett
Graves	Moore
Hazlewood	Morris
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	

**Nays—4**

Cotten	Winfield
Stone	York

**Absent**

Ramsey	Shivers
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**Absent—Excused**

Formby	Spears
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**Bill and Resolution Signed**

The President pro tempore signed in the presence of the Senate after their captions had been read:

S. B. No. 1.

H. C. R. No. 2.

**Motion to Reconsider**

Senator Mauritz moved to reconsider the vote by which House Bill No. 2 was passed by the Senate today, and asked to have the motion to reconsider spread upon the Journal.

**Adjournment**

On motion of Senator Winfield, the Senate, at 12:20 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

**THIRD DAY**

(Thursday, January 14, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called, and the following Senators were present.

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

A quorum was announced present.

Senator Charles R. Jones offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with, and the Journal was approved.